

**TRANSPORTATION RULES
OF
GEORGIA PUBLIC SERVICE COMMISSION**

SUBCHAPTER 4-2: HAZARDOUS MATERIALS SAFETY

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4-2-1.1 Applicability.

(a) The hazardous materials rules and regulations of the Georgia Public Service Commission are the minimum requirements for all motor carriers operating both for hire and in private transportation in either interstate or intrastate commerce in Georgia, and to the extent that they do not conflict with Georgia law; and where applicable, are the same as the Hazardous Materials Regulations issued by the U.S. Department of Transportation, Research and Special Programs Administration, contained in Title 49 of the Code of Federal Regulations, Subtitle B, Chapter I, Subchapters A, B, and C, Parts 107, 130, 171-173, and 178 through 180 (and as amended) (See Individual Rule Pages and Notes).

(b) Any reference in the regulations to the “Associate Administrator” shall be interpreted to mean Director, Transportation Division, Georgia Public Service Commission, except insofar as the term relates to—

- (1) packaging design, construction, manufacture; or
- (2) the issuance of exemptions from this chapter; or
- (3) authorizations issued under this chapter; or
- (4) preemption.

(c) All references to “interstate” commerce shall be interpreted to include “intrastate” commerce. It is the intent of the Commission that the regulations shall apply to intrastate carriers and their operations.

(d) Where the Federal regulations as adopted by the Commission refer to “carriers” or “motor carriers,” the term shall mean *all* for hire and private motor carriers subject to the Commission’s jurisdiction pursuant to Title 46 O.C.G.A.

NOTE: Copies of the U.S. Department of Transportation’s Hazardous Materials Regulations may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402.

4-2-1.2 Reports.

(a) All reports required by the hazardous materials regulations shall be sent to the Georgia Public Service Commission, Transportation Division, 1007 Virginia Avenue, Suite 310, Hapeville, Georgia 30354-1325, in addition to any copies required to be sent to any Federal Agency.

(b) The Georgia Public Service Commission will accept forms prescribed by the U.S. Department of Transportation where required by the hazardous materials regulations.

4-2-1.3 Hazardous Materials Permits.

(a) See Chapter 9 for rules governing permits for the transportation of radioactive materials, liquefied natural gas, and polychlorinated biphenyl.

4-2-1.4 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §46-2-93 and §46-7-39.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §46-2-91.

4-2-1.5 Construction.

(a) Unless amended by the Commission herein, the rules in this chapter numbered beyond 4-2-100 shall generally be the same as the rules contained in the Federal Hazardous Materials Regulations. Where reference is made to a federal rule number (e.g., “171.9”) the compatible state rule shall be deemed to be “4-2-” followed by the Federal rule number (e.g., “49 CFR §171.9” becomes “4-2-171.9”).

(b) References on Commission documents to a Federal rule by Federal Section number shall be construed as a valid cite of the Commission’s rules and regulations without listing the entire Commission section reference (e.g., “171.8” equals “4-2-171.8”).

Part 107**Hazardous Materials Program Procedures****4-2-107 Hazardous materials program procedures.**

Except as amended by the Commission herein, the balance of Rule 4-2-107 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 107, and as amended.

4-2-107.1(g) & (h) Purpose and scope.

(g) Insofar as this part contains regulations which apply to the transportation of hazardous materials by motor vehicle, the Commission adopts them for purposes of enforcement and consistency with federal law and regulations.

(h) Where this subchapter makes references to the “Associate Administrator for Hazardous Materials Safety,” said term shall mean the Director, Transportation Division, Georgia Public Service Commission, except insofar as the term relates to—

- (1) packaging design, construction, manufacture; or
- (2) the issuance of exemptions from this chapter; or
- (3) authorizations issued under this chapter; or
- (4) preemption.

Part 130

Oil Spill Prevention and Response Plans

4-2-130 Oil Spill Prevention and Response Plans

Except as amended by the Commission herein, the balance of Rule 4-2-130 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 130, and as amended.

4-2-130.1 Purpose.

This part prescribes prevention, containment, and response planning requirements of the Georgia Public Service Commission applicable to transportation of oil by motor vehicle.

Part 171**General Information, Regulations, and Definitions****4-2-171 General Information, Regulations, and Definitions.**

Except as amended by the Commission herein, the balance of Rule 4-2-171 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, in Title 49 CFR Part 171, and as amended.

4-2-171.1(a) - (c), & (g) - (h) Purpose and scope.

(a) This subchapter prescribes the requirements of the Georgia Public Service Commission governing—

(1) The offering of hazardous materials for transportation and transportation of hazardous materials in interstate, intrastate, and foreign commerce by motor vehicle.

(2) The representation that a hazardous material is present in a package, container, or motor vehicle.

(3) The manufacture, fabrication, marking, maintenance, reconditioning, repairing, or testing of a packaging or container which is represented, marked, certified, or sold for use in transportation of hazardous materials.

(4) The use of terms and symbols prescribed in this subchapter for the marking, labeling, placarding, and description of hazardous materials and packaging used in their transport.

(b) Any person who, under contract with any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government, transports, or causes to be transported or shipped, a hazardous material or manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person as qualified for use in the transportation of a hazardous material shall be subject to and comply with all provisions of the Federal hazardous materials transportation law, all orders and regulations issued thereunder, and all other substantive and procedural requirements of Federal, State, and local governments and Indian tribes (except any such requirements that have been preempted by the Federal hazardous materials transportation law or any other Federal law), in the same manner and to the same extent as any person engaged in such activities that are in or affect commerce is subject to such provisions, orders, regulations, and requirements.

(c) Any person who knowingly violates a requirement of Commission hazardous material rules, an order issued thereunder, any order, rule, or exemption requirement, shall be subject to criminal and civil penalties as provided for by law, in addition to any penalties which may be imposed by the Federal Hazardous Materials Law or Regulations.

(g) The regulations of this subchapter pertaining to prohibited or restricted practices shall apply to all persons, motor vehicles, packaging, and freight containers subject to the jurisdiction of the Commission; those prohibited practices shall include, but not be limited to, misrepresentation of placarding, marking, labeling, and specifications.

(h) Where this subchapter makes references to the “Associate Administrator for Hazardous Materials Safety,” said term shall mean the Director, Transportation Division, Georgia Public Service Commission, except insofar as the term relates to—

(1) packaging design, construction, manufacture; or

- (2) the issuance of exemptions from this chapter; or
- (3) authorizations issued under this chapter; or
- (4) preemption.

4-2-171.8 Definitions.

Balance of §171.8 definitions, except as amended herein, are contained in the Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, contained in Title 49 CFR §171.8. The following definitions are inserted in 49 CFR §171.8 in the appropriate alphabetical order:

Private motor carrier of property - (See Commission Transportation Rule 4-1-390.5)

Road-building material - (See Commission Transportation Rule 3-1.5)

Part 172

**Hazardous Materials Table, Special Provisions, Hazardous Materials Communications,
Emergency Response Information, and Training Requirements**

**4-2-172 Hazardous Materials Table, Special Provisions, Hazardous Materials
Communications, Emergency Response Information, and Training Requirements.**

Except as amended by the Commission herein, the balance of Rule 4-2-172 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 172, and as amended.

RESERVED (No Commission Amendments)

Part 173

General Requirements for Shipments and Packaging

4-2-173 General Requirements for Shipments and Packaging.

Except as amended by the Commission herein, the balance of Rule 4-2-173 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 173, and as amended.

4-2-173.5-1 Georgia intrastate agricultural operations.

(a) Subject to the conditions and limitations set forth in 49 CFR §173.5, and to the extent allowed by Law, the Georgia Public Service Commission Hazardous Materials Regulations specifically authorize the transportation of “agricultural products” (as defined in 49 CFR §171.8). (**NOTE:** Originally adopted as part of Appendix “A” File MCA 1-3, Docket No. 16632-M, Effective June 1, 1998)

4-2-173.8-1 Georgia exceptions for non-specification packaging used in intrastate commerce.

(a) *Cargo tanks.* Subject to the conditions and limitations set forth in 49 CFR §173.8, Georgia Public Service Commission Hazardous Materials Regulations specifically authorize the transportation of Class 3 (flammable liquid) petroleum products in intrastate commerce in non-specification cargo tanks less than 3,500 gallons capacity.

(b) *Non-bulk tanks.* Subject to the conditions and limitations set forth in 49 CFR §173.8, Georgia Public Service Commission Hazardous Materials Regulations specifically authorize the transportation of Class 3 (flammable liquid) petroleum products in intrastate commerce in non-specification non-bulk tanks permanently mounted to motor vehicles.

(c) *Utility tanks.* Utility fuel tanks, which were previously authorized by Commission Hazardous Materials Rule §173.119(a)(17), must comply with these regulations by the dates specified in 49 CFR §173.8(d). (**NOTE:** Originally adopted as part of Appendix “A” File MCA 1-3, Docket No. 16632-M, Effective June 1, 1998.)

Part 177

Carriage by Highway

4-2-177 Carriage by Highway.

Except as amended by the Commission herein, the balance of Rule 4-2-177 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 177, and as amended.

4-2-177.802 Inspection.

Records, equipment, packagings and containers under the control of a motor carrier, insofar as they affect safety in transportation of hazardous materials by motor vehicle, must be made available for examination and inspection by a duly authorized representative of the Commission.

Part 178

Specifications for Packaging

4-2-178 Specifications for Packaging.

Except as amended by the Commission herein, the balance of Rule 4-2-178 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 178, and as amended.

RESERVED (No Commission Amendments)

Part 179

Specifications for Packaging

4-2-179 Specifications for Packaging.

Except as amended by the Commission herein, the balance of Rule 4-2-179 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 179, and as amended.

RESERVED (No Commission Amendments)

Part 180

Continuing Qualification and Maintenance of Packaging

4-2-180 Continuing Qualification and Maintenance of Packaging

Except as amended by the Commission herein, the balance of Rule 4-2-180 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 180, and as amended.

RESERVED (No Commission Amendments)